

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**MICHAEL E. GARNER,**  
**Petitioner,**

**v.**

**HAROLD CLARKE,**  
**Respondent.**

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**Civil Action No. 7:12-cv-00340**

**ORDER**

**By: Hon. Michael F. Urbanski**  
**United States District Judge**

In accordance with the accompanying Memorandum Opinion entered this day, it is  
hereby

**ORDERED**

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for a writ of habeas  
corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a certificate of appealability is **DENIED**;  
and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum  
Opinion to petitioner and counsel of record for respondent.

Entered: December 26, 2012

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge